IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.67 of 2005

DATE OF ORDER: 8.1.2007

Kuldeep Rai & Others

...Petitioner(s)

Versus

Riazul Hassan

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr.Gurcharan Dass, Advocate.

Mr.Rajeev Dev Sharma, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 3.12.2004 passed by Civil Judge(Junior Division), Ludhiana whereby an application filed by the plaintiff, now respondent under Order 11 Rule 14 and 15 read with Section 151 CPC was disposed of.

On behalf of the petitioners-defendants, it is stated that copies of the documents relied upon, had been filed with the written statement but the originals were not with them and that those were with the owners of the respective properties and only those owners could produce the originals.

It comes out that the application was made when the case was fixed for the purpose of filing replication to the written statement of the defendants, now petitioners.

Counsel for the respondent argues that if the originals were not in possession of the defendants then defendants could be asked to lead secondary evidence.

It is not a case of either party that the originals have been lost. In fact these all are stated to be with the persons in whose respective name the property stands.

This petition is disposed of with an observation that let plaintiff now respondent file replication. Counsel for the defendants, now petitioners may summon the persons in whose possession the original documents are, at the time of evidence.

Let parties to appear before the trial Court on 6.2.2007.

January 08, 2007 (M.M. AGGARWAL)
manoj JUDGE